

REMARKS

Claims 1-6 remain in the application. Claims 1-4 have been amended. Claim 7 has been cancelled. A version with markings to show changes made follows page 9 of this PRELIMINARY AMENDMENT.

This PRELIMINARY AMENDMENT accompanies a CONTINUED PROSECUTION APPLICATION REQUEST TRANSMITTAL. Reconsideration of this application, as amended, is respectfully requested.

Claim 1 has been amended to indicate that the user interface further comprises a numeric keypad and at least one function button, said at least one function button capable of carrying out at least one of the functions of activating/deactivating power, selecting test or menu modes, editing entries, terminating entries, and activating a barcode reader as a substitute for numerical entry. Support for this amendment can be found at page 6, lines 4-6 of the specification. Claim 2 has been amended to indicate that the user interface comprises a numeric keypad and at least one function button, said at least one function button capable of carrying out at least one of the functions of activating/deactivating power, selecting test or menu modes, editing entries, terminating entries, and activating a barcode reader as a substitute for numerical entry. Support for this amendment can be found at page 6, lines 4-6 of the specification. The subject matter of claim 7 has been incorporated into claim 3. Claim 4 has been amended to indicate that the method involves a plurality of analyte test instruments.

Claim 1 stands rejected under 35 U. S. C. § 102 (b) as being anticipated by Böcker et al. (US 5,507,288). This rejection is respectfully traversed for the following reasons.

Böcker et al., U. S. Patent No. 5,507,288 (hereinafter "Böcker et al."), discloses an integrated analysis-element/sensor system IASS comprising a sensor unit borne on the body of a patient and a central unit linked with the sensor unit by wireless data transmission. The central unit comprises the typical features of an evaluation instrument commonly used in element-analysis systems. It serves to evaluate an analysis-element in the form of a glucose test strip with a base layer and a test zone. For evaluation, the analysis-element is inserted into test duct located beneath a flap of the

device. A keypad is provided to operate the central unit. A display serves as information output, in particular to display analytical data. An evaluation curve may be permanently stored in the central unit. Preferably, a separate, batch-specific evaluation curve is used for each new manufactured batch of analysis-elements and is transmitted to the central unit by means of a suitable data medium in machine-readable form. For that purpose, the central unit comprises a data reader, e.g., a barcode reader, to read a barcode affixed to the analysis-element itself or to an additional code carrier. The barcode is included in each pack of analysis-elements and contains the batch-specific evaluation curve.

Claim 1, as amended, further requires that the user interface further comprise a numeric keypad and at least one function button, the at least one function button capable of carrying out at least one of the functions of activating/deactivating power, selecting test or menu modes, editing entries, terminating entries, and activating a barcode reader as a substitute for numerical entry. The device described in Böcker et al. does not have a numeric keypad. In view of the foregoing, it is submitted that Böcker et al. does not anticipate claim 1, as amended.

Claims 3 and 7 stand rejected under 35 U. S. C. § 103 (a) as being unpatentable over Davis (US 5,502,943) in view of Koenck et al. (US 5,324,925). This rejection is respectfully traversed for the following reasons.

Davis, U. S. Patent No. 5,502,943 (hereinafter "Davis"), discloses a dock apparatus for receiving of portable, hand-held data retrieval devices to allow recharging of internal batteries and data communication with centralized computer systems. A frame having electrical contact elements at its inner end receives the hand-held device, which at its lower end is provided with electrical contact pads which engage the contact elements of the receiving frame when the hand-held device is fully inserted in the frame. Detents within the frame engage mating indentations in the hand-held device. The dock frames may be ganged in plural arrangements.

Koenck et al., U. S. Patent No. 5,324,925 (hereinafter "Koenck et al."), discloses a hand-held portable terminal, comprising:

(a) a housing having a front section and a rear section, a forward end and a rearward end, said front section being hinged to said rear section;

- (b) key means being disposed within said housing for entering information into said terminal;
- (c) display means disposed within said housing for displaying information;
- (d) a low power, frequency hopping, transceiver means disposed at least partially within said housing for receiving and transmitting information by said terminal;
- (e) scanning means disposed within said housing for optically reading information stored in coded information sets;
- (f) battery means disposed within said housing for providing electrical power thereto; and
- (g) means, disposed within said housing, for processing information input and output said terminal.

Claim 3, as amended, specifies that the docking station includes circuitry to prevent overcharging. Neither Davis nor Koenck et al. discloses or suggests a docking station that includes circuitry to prevent overcharging. For this reason, it is submitted that the combination of Davis and Koenck et al. does not render claim 3 obvious to one of ordinary skill in the art.

Claim 4 stands rejected under 35 U. S. C. § 103 (a) as being unpatentable over Severt et al. (US 5,511,108) in view of Böcker et al. This rejection is respectfully traversed for the following reasons.

Severt et al., U. S. Patent No. 5,511,108 (hereinafter "Severt et al."), discloses a method of communicating between a central computer and a field service computer. The method comprises the steps of:

Providing a field service computer programmed to store and communicate information related to the location of equipment which is to be tested;

Providing a keyboard, coupled to the administrative computer, permitting user input to the administrative computer;

Providing a testing apparatus operable under control of the administrative computer, the testing apparatus configured to test a field device needing service and to obtain data indicating values of a plurality of electrical parameters of the equipment which is to be tested;

Providing a memory for storing information coupled to the testing apparatus;

Providing a data transfer apparatus coupled between the memory and the testing apparatus for transferring information into the memory from the testing apparatus, in the absence of manually inputting the information using the keyboard;

Transmitting first administrative information from said central computer to said field service computer over a radio data link, said first administrative information including at least information relating to the location of a field device needing service;

Testing said field device with said testing apparatus and storing test data in said field service computer; and

Transmitting second administrative information from said field service computer to said central computer over a radio data link, said second administrative information including at least information relating to servicing of said field device.

Claim 4, as amended, requires that each of said analyte test instruments of the plurality of analyte test instruments include a test strip port, which accepts test strips for determining the level of analyte in a sample taken from a patient. Severt et al. is totally concerned with electrical equipment, such as communications equipment. Severt et al. does not disclose or suggest a method for managing data for a sole analyte test instrument or for a plurality of analyte test instruments. Böcker et al. discloses a method involving a sole evaluation instrument. Böcker et al. does not disclose or suggest a method involving a plurality of analyte test instruments. Furthermore, the art encompassed by Severt et al. is nonanalogous to the art of analyte test instruments. Therefore, it is improper to combine the teachings of Severt et al. with the teachings of Böcker et al. Thus, the rejection based on the combination of Severt et al. Böcker et al. would not have led to Applicants' invention. For this reason, the combination of Severt et al. and Böcker et al. does not render claim 4 obvious to one of ordinary skill in the art.

Claims 2 and 5-6 stand rejected under 35 U. S. C. § 103 (a) as being unpatentable over Böcker et al. (US 5,507,288) in view of Cargin Jr. et al. (US 5,602,456).

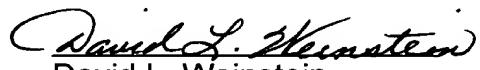
Cargin Jr. et al., U. S. Patent No. 5,602,456 (hereinafter "Cargin Jr. et al."), discloses a battery pack system for providing rechargeable battery power for a portable data collection terminal and for enabling recharging while received in power supplying relation to such a terminal.

Claim 2, as amended, now further requires that the user interface comprise a numeric keypad and at least one function button, the at least one function button capable of carrying out at least one of the functions of activating/deactivating power, selecting test or menu modes, editing entries, terminating entries, and activating a barcode reader as a substitute for numerical entry. Böcker discloses a barcode reader. Cargin Jr. et al. discloses a user interface capable of allowing an operator to enter data. Neither Böcker nor Cargin Jr. et al. discloses or suggests an analyte test instrument having both a user interface capable of allowing an operator to enter data and a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte. Moreover, neither Böcker nor Cargin Jr. et al. contains a suggestion to combine (1) a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte and (2) a user interface capable of allowing an operator to enter data in an analyte test instrument. Accordingly, the combination of Böcker and Cargin Jr. et al. is improper and cannot render claims 2 and 5-6 obvious to one of ordinary skill in the art.

In view of the foregoing, it is submitted that claims 1-6 are in condition for allowance, and official Notice of Allowance is respectfully requested.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice amended) A hand-held analyte test instrument comprising:
 - a housing;
 - a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte;
 - a user interface capable of activating said barcode reader, said user interface further comprising a numeric keypad and at least one function button, said at least one function button capable of carrying out at least one of the functions of activating/deactivating power, selecting test or menu modes, editing entries, terminating entries, and activating a barcode reader as a substitute for numerical entry;
 - a port disposed in the housing for receiving the test strip;
 - electronic circuitry in electrical communication with the port for processing an analyte signal received from the test strip and generating analyte data therefrom;
 - a display in electrical communication with the circuitry for displaying certain analyte data; and
 - a connector in electrical communication with the circuitry and electrically connectable to a host computer via a data communications network, wherein the circuitry automatically uploads the analyte data to the host computer upon connection thereto.

2. (Twice amended) A hand-held analyte test instrument comprising:
 - a housing;
 - a port disposed in the housing for receiving a test strip configured to receive an analyte;
 - a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte;
 - a user interface capable of allowing an operator to enter data, said user interface comprising a numeric keypad and at least one function button, said at least one function button capable of carrying out at least one of the

functions of activating/deactivating power, selecting test or menu modes, editing entries, terminating entries, and activating a barcode reader as a substitute for numerical entry;

electronic circuitry in electrical communication with the port for processing an analyte signal received from the test strip and generating analyte data therefrom;

a display in electrical communication with the circuitry for displaying certain analyte data;

a connector in electrical communication with the circuitry and electrically connectable to a power source;

a battery compartment formed in the housing and comprising a pair of electrical contacts for providing power from a battery to the electronic circuitry and a pair of recharge contacts; and

a rechargeable battery pack disposed in the battery compartment and comprising (1) a rechargeable battery and (2) a battery holder in which the rechargeable battery is disposed, a bus bar disposed on the battery holder and in electrical communication with the pair of recharge contacts for recharging the battery when the instrument is connected to the power source.

3. (Twice amended) A docking station for receiving a hand-held analyte test instrument, the docking station comprising:

a connector electrically connectable to the instrument for receiving analyte data therefrom;

a switch in electrical communication with the connector;

a first data port in electrical communication with the switch and being electrically connectable to a computer;

a second data port in electrical communication with the switch and being electrically connectable to a peripheral device; and

a control mechanism for controlling the switch to selectively pass the analyte data to the computer via the first data port or to the peripheral device via the second data port; said docking station being configured to pass data between said analyte test instrument and said first data port when said docking station is in a default condition, and

circuitry to prevent overcharging.

4. (Twice amended) A method of managing data for a plurality of analyte test instruments connected to a data communication network comprising the steps of:

detecting via a host computer the connection of each analyte test instrument of said plurality of analyte test instruments to the data communication network, each of said analyte test instruments of said plurality of analyte test instruments including a test strip port, which accepts test strips for determining the level of analyte in a sample taken from a patient;

uploading data received from each analyte test instrument of said plurality of analyte test instruments to the host computer; and

processing the uploaded data on the host computer for operator review; and downloading configuration data from the host computer to each analyte test instrument of said plurality of analyte test instruments, the downloaded data comprising instrument-specific setup and control data.